

REMARKS

Applicants have amended the description to correct obvious typographical errors.

Claims 1, 4-5, 9, 13, 30-39, 50, 55-56, 58-59 and 73 have been amended as to form only and for reasons unrelated to patentability.

Claims 1-74 are patentable over Kim, USP 6,546,002.

Regarding Claims 1-11

The Examiner states:

Kim teaches ...:
using a software component to manipulate settings (figure 3, col. 6 lines 17-29);
remotely analyzing said first computer-based device to discover applicable hardware and software settings comprising said environment (col 6 lines 17-29);
listing settings available for transfer (col. 4 lines 18-20);
using said software component to locate, extract, and transfer **specified settings from said listed settings** (col. 7 lines 30-42), and
storing and uniquely identifying said transferred settings in said remote storage (col. 7 lines 30-42, figure 3, profile data 138a). (Office Action, pages 2-3, emphasis added.)

The Examiner's statement is respectfully traversed. Initially, Applicants note that the Examiner cites Kim at column 4, lines 18-20 as teaching "listing settings available for transfer". However, at column 4, lines 18-20, Kim teaches:

It is another object of the present invention to provide a system and method that allows applications and services to access user configuration and settings information.

Thus, the Examiner has failed to callout where Kim teaches or suggests "listing settings available for transfer" as asserted by the Examiner.

Further, in contrast to the Examiner's statement that Kim teaches "using said software component to locate, extract, and transfer **specified settings from said listed settings**", emphasis added, Kim simply teaches that profile data must be synchronized. As discussed further below, this synchronization consists of checking whether the serial number or date of the MIA is older than that of the PM, and if it is, then updating the profile data. The Examiner has failed to callout where Kim teaches or suggests **listing** settings and locating, extracting and transferring **specified settings from** said listed settings.

Specifically, the Examiner cites Kim at column 7, lines 30-42, which sets forth:

A profile manager 134 is connected to the network 132 and manages the contents of the master database 136, which includes profile data 138a. The profile manager 134 is responsible for managing and updating a user's profile data 138a that is stored in the master database 136. The master database 136 may be a part of the AppServ server 150 or can be a database in another server.

The local memory 106 includes a local database 160, which further includes a profile data 138b. **Profile data 138a, 138b are stored in two locations; in the database master 136 and also in the local database 160 in a form of a "cached" copy. The profile data 138a, 138b must be synchronized for each MIA user.** (Emphasis added.)

Further, at column 15, lines 26-43, Kim teaches specifically how a user profile is updated and synchronized:

FIG. 11 illustrates a flow chart for synchronizing and updating a user profile in accordance with the present invention. This flow chart illustrates the process for synchronizing and updating a user profile data that is stored in the profile manager database and in the local memory database using the MIA.

In step 1000, the MIA will contact the profile manager and check the serial number and/or date of the last modification listed in the profile manager database. If the MIA serial number or date is older than the most recently updated serial number or date in step 1010, the MIA may be configured to not update or synchronize it's information in step 1020. **If, on the other hand, the MIA serial number or date is not older, then the MIA profile data is updated with the profile manager profile data in step 1030.** After such updating, setting the MIA's update/synchronize status is not necessary as indicated in step 1020. (Emphasis added.)

For at least the above reasons, Kim does not teach or suggest:

A method for transferring the look and feel of at least a first computer-based device to remote computer-based storage, said transfer across HTTP-based networks, said method comprising:

- a. downloading a software component to manipulate settings;
- b. remotely analyzing said first computer-based device to discover applicable hardware and software settings comprising an environment;
- c. **listing settings available for transfer;**
- d. downloading instructions to said software component to locate, extract and transfer **specified settings from said listed settings,** and
- e. storing and uniquely identifying said transferred settings in said remote storage,

as recited in amended Claim 1, emphasis added. Accordingly, Claim 1 is allowable over Kim. Claims 2-11, which depend from Claim 1 are allowable for at least the same reasons as Claim 1.

Claims 12-74

With respect to Claims 12-74, the Examiner asserts:

... Claims 12-74 have similar limitations as claims 1-11; therefore, they are rejected under the same rationale. (Office Action, page 4.)

Applicants respectfully submit that the Examiner's generalization fails to establish a *prima facie* case of

obviousness as required because the Examiner has failed to callout where Kim teaches or suggests the features of Claim 12-74. Thus, Applicants respectfully traverse this rejection. As set forth in MPEP 2143:

To establish a *prima facie* case of obviousness, three basic criteria **must** be met. ... Finally, the prior art reference ... must teach or suggest **all** the claimed limitations. (MPEP 2143, page 2100-124 to 2100-125, Rev. 1. Feb. 2003, emphasis added.)

For example, Claim 14 recites:

A system for transferring across a network, computer-based settings, files, and other data, said system comprising:

a network server and associated computer storage, said network server receiving requests from one or more computer-based devices for transfer of said computer-based settings, files, and other data;

at least a first software plug-in, downloadable from said network server to said requesting computer-based device(s);

one or more mark-up based directive(s) sent from said network server and operative with said downloaded first software plug-in at said requesting computer-based device(s), and

wherein, in a load mode, **said one or more mark-up based directive(s)** are parsed and processed by said first software plug-in to return to said associated computer storage, a selected group of settings, files, and other data associated with said requesting computer-based device(s) and in an unload mode, **said one or more mark-up based directive(s)** are parsed and processed by said first software plug-in to load and install a version of one or more of selected groups stored within said associated computer storage to said requesting computer-based device(s). (Emphasis added.)

The Examiner has failed to callout where Kim teaches or suggests a system as recited in Claim 14 and more generally of the features recited in Claims 12-74.

Further, to the extent the Examiner asserts that Claims 12-74 have similar limitations as Claims 1-11, Applicants

respectfully submit that Claims 12-74 are allowable over Kim for reasons similar to Claims 1-11.

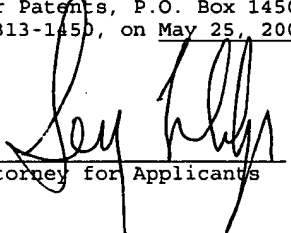
For the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection to Claim 1-74.

Conclusion

Claims 1-74 are pending in the application. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicants.

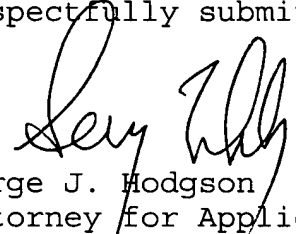
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Attorney for Applicants

May 25, 2004
Date of Signature

Respectfully submitted,


Serge J. Hodgson
Attorney for Applicants
Reg. No. 40,017
Tel.: (831) 655-0880